

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 2685 of 1997

Between:

- 1.S.Balasunkanna S/o S.Peddasunkanna R/o Cholasamudram
Village, Kudair Mandal , Anantapur Dist.
- 2.S.Venkataramudu S/o S.Chinnasunkanna R/o Cholasamudram
Village, Kudair Mandal , Anantapur Dist.
- 3.S.Vunnuru Swamy S/o S.Chinnasunkanna R/o Cholasamudram
Village, Kudair Mandal , Anantapur Dist.
- 4.S.Narayana Swamy S/o S.Chinnasunkanna R/o Cholasamudram
Village, Kudair Mandal , Anantapur Dist.

..... PETITIONERS

AND

- 1 Mandal Revenue Officer Kudair Mandal ,
Anantapur Dist.
- 2 Special Deputy Tahsildar Land Reforms Tribunals
Anantapur .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declaring the action of the respondents in orally directing the petitioners to surrender the land an extent of Acres 6.35 cents , Ac.8.40cents and Ac.4.00 cents in Sy.No.144/1 of Cholasamudram Village , Kudair Mandal ,Ananthapur Dist without serving any notice in writing , as illegal ,arbitrary and in violation of principles of natural justice and pass.

Counsel for the Petitioners: MR.A.BHASKARA CHARY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the respondents in orally directing them to surrender the land to an extent of Ac.6.35 cents, Ac.8.40 cents and Ac.4.00 cents situated in Survey No.144/1 of Cholasamudram village, Kudair Mandal, Anantapur District.

2. According to the petitioners, no notice or proceedings are served on them by the respondents with reference to the proposed demand for surrender of land, except orally directing that they have to surrender the above extents of land. In the affidavit, the petitioners have stated that various extents of land in Survey No.144/1 were purchased and there are also various transactions referred in the body of the affidavit. It is also stated that declarations were also filed under the provisions of A.P. Land Reforms (Ceiling on agricultural holdings) Act, 1973. But according to the petitioners, they were not served with any notice or order declaring that they are holding excess land and they are liable to surrender any land. In the absence of any service of notice or order, the petitioners are not liable to surrender

any land. Therefore, sought for a direction to the respondents to that effect.

3. Though the writ petition was admitted as early as on 31.03.1997 and is pending, no counter affidavit is filed by the respondents. This Court, at the admission stage, granted interim direction to the respondents not to take possession of the land of the petitioners. In view of the specific averments made by the petitioners that they were not served with any order or notice directing them to surrender any land, the respondents are not entitled to take possession of any piece of land from them.

4. Under the above circumstances, the writ petition is disposed of directing the respondents not to take possession of any land unless and until any specific proceedings are served on the petitioners. No costs.

22nd June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

- 1 The Mandal Revenue Officer Kudair Mandal , Anantapur Dist.
- 2 The Special Deputy Tahsildar, Land Reforms Tribunals Anantapur .
- 3 Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.
- 4 Two CD copies.